

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL DRS45568-MQa-158

Short Title: Capital Project Oversight Changes-Comm. Coll. (Public)

Sponsors: Senator McInnis (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENABLE THE STATE BOARD OF COMMUNITY COLLEGES TO  
STREAMLINE DELEGATION OF CERTAIN CAPITAL PROJECTS TO COMMUNITY  
COLLEGE CAMPUSES AND TO ESTABLISH A PROCEDURE FOR THE  
DEPARTMENT OF ADMINISTRATION TO ASSIST COMMUNITY COLLEGES WITH  
PROJECTS UPON REQUEST.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115D-9 reads as rewritten:

**"§ 115D-9. Powers of State Board regarding certain fee negotiations, contracts, and capital improvements.**

(a) The expenditures of any State funds for any capital improvements of existing institutions shall be subject to the prior approval of the State Board of Community Colleges and the Governor. The expenditure of State funds at any institution herein authorized to be approved by the State Board under G.S. 115D-4 shall be subject to the terms of the State Budget Act unless specifically otherwise provided in this Chapter.

(b) Notwithstanding G.S. 143-341(3), the State Board of Community Colleges may, with respect to design, construction, repair, or renovation of buildings, utilities, and other State-funded property developments of the North Carolina Community College System requiring the estimated expenditure of public money of four million dollars (\$4,000,000) or less:

- (1) Conduct the fee negotiations for all design contracts and supervise the letting of all construction and design contracts.
- (2) Develop procedures governing the responsibilities of the North Carolina Community College System and its community colleges to perform the duties of the Department of Administration and the Director or Office of State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).
- (3) Use existing plans and specifications for construction projects, where feasible. Prior to designing a project, the State Board shall consult with the Department of Administration on the availability of existing plans and specifications and the feasibility of using them for a project.

(c) The State Board may delegate its authority under subsection (b) of this section to a community college if the community college is qualified under guidelines adopted by the State Board and approved by the State Building Commission and the Director of the Budget Board.

(d) The North Carolina Community College System shall use the standard contracts for design and construction currently in use for State capital improvement projects by the Office of State Construction of the Department of Administration.



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(e) A contract may not be divided for the purpose of evading the monetary limit under this section.

(f) Notwithstanding any other provision of this Chapter, the Department of Administration shall not be the awarding authority for contracts awarded under subsections (b) or (c) of this section.

(g) ~~The~~ For projects two million dollars (\$2,000,000) or more, funded with public money, the Community Colleges System Office shall report no later than October 1 of each year to the State Building Commission the following:

- (1) A list of projects governed by this section.
- (2) The estimated cost of each project along with the actual cost.
- (3) The name of each person awarded a contract under this section.
- (4) Whether the person or business awarded a contract under this section meets the definition of "minority business" or "minority person" as defined in G.S. 143-128.2(g).

(h) The provisions of G.S. 143-341(3) shall not apply to a capital improvement project funded with non-State funds or for projects less than two million dollars (\$2,000,000) that have been delegated pursuant to subsection (c) of this section if the State Board of Community Colleges determines that the college has the expertise necessary to manage the project unless the assistance of the Office of State Construction is requested."

**SECTION 2.** G.S. 143-341 reads as rewritten:

**"§ 143-341. Powers and duties of Department.**

The Department of Administration has the following powers and duties:

- ...
- (3) Architecture and Engineering:
  - a. To examine and approve all plans and specifications for the construction or renovation of the following:
    - ...
    - 2. All community college buildings meeting the following criteria:
      - I. A project requiring the estimated expenditure of public money for construction or repair work of two million dollars (\$2,000,000) or more prior to the awarding of a contract for such work; and to examine and approve all changes in those plans and specifications made after the contract for such work has been awarded.
      - II. Upon receipt of a written request from the State Board of Community Colleges, a project requiring the estimated expenditure of public money for construction or repair work of less than two million dollars (\$2,000,000) prior to the awarding of a contract for such work; and to examine and approve all changes in those plans and specifications made after the contract for such work has been awarded.

...."

**SECTION 3.** This act is effective when it becomes law.